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7 Attorneys for Defendant
SALLIE MAE BANK

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA; SACRAMENTO DIVISION

11 In re } USBC Case No. 23-22896
12 Phillip Ryan Sweetland, }
13 Debtor, }
14 }
15 Phillip Ryan Sweetland, }
16 Plaintiff, } Adv. Proc. Case No. 23-02089 - E
17 vs. } Judge: Honorable Ronald H. Sargis
18 UNITED STATES DEPARTMENT OF } Hearing Date: January 17, 2024
19 EDUCATION, ET. AL. , } Complaint Filed: 11/1/23
Defendants. }
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Defendant SALLIE MAE BANK (“Defendant” or “SMB”), pursuant to Fed. R. Civ. P. 26(a)(1), discloses as follows:

GENERAL STATEMENT

24 Defendant SALLIE MAE BANK (“Defendant” or “SMB”), submit this
25 Discovery Plan pursuant to the provisions of Federal Rule Civil Procedure 26(a)(1), as
26 incorporated into this proceeding by Federal Rule of Bankruptcy Procedure. These
27 disclosures are made based on the information reasonably available to Defendant as of
28 the date of execution of these disclosures. Defendant’s disclosures represent a good

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1 faith effort to identify individuals and documents that it reasonably believes are relevant
2 to this adversary proceeding.

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3 By identifying individuals who are likely to have discoverable information
4 relevant to this proceeding, Defendant is not representing that the identified individuals
5 necessarily possess personal knowledge of such information. Further, in making these
6 disclosures, Defendant does not represent that it is identifying every document, tangible
7 thing, or witness that possibly is or may become relevant to this lawsuit. Defendant
8 reserves the right to object to the production of documents or tangible things disclosed
9 herein on the basis of privilege, the work product doctrine, relevancy, undue burden,
10 non-existence, lapse in time, or any other valid objections. Defendant further reserves
11 the right to supplement these disclosures as the parties proceed with further discovery
12 and investigation in this case.

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13 Defendant's disclosures are made without waiving: (1) the right to object on the
14 grounds of competence, privilege, relevance, materiality, hearsay or any other proper
15 ground to the use of this information, for any purpose, in whole or in part, in any
16 subsequent proceeding in this action or any other action; and (2) the right to object on
17 any and all grounds, at any time, to any other discovery requests or proceeding
18 involving or relating to the subject matter of these disclosures.

19

A. Individuals Likely to have Discoverable Information

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1. Plaintiff, Phillip Ryan Sweetland.

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21 Mr. Sweetland is expected to have information regarding the factual nature of his
22 claim, the student loan accounts that are the subject of this claim, any communications
23 he had with SMB or anyone else regarding the accounts of his bankruptcy action.
24 Additionally, he is likely to have information regarding his present financial condition
25 and ability to repay his student loans.

26

26 2. Representative(s) of SALLIE MAE BANK (hereinafter, "SMB"), c/o Hinshaw
27 & Culbertson LLP.

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28 SMB's corporate representative must be contacted through its counsel of record in

1 this matter. Based solely upon his or her review of SMB's business records, SMB's
2 corporate representative may have information regarding the subject student loan
3 account(s). The corporate representative may also have information regarding the
4 factual allegations in Plaintiffs' Adversary Complaint, as well as SMB's contentions
5 and defenses. In addition, he or she is likely to have discoverable information regarding
6 the business activities, functions, and business records of SMB.

7 3. All individuals identified by Plaintiff, or any other individuals or entities
8 identified through discovery that may possess information relative to Plaintiff's claims
9 or SMB's defenses.

10 4. SMB reserves the right to supplement the above disclosure as a result of its
11 continuing investigation and discovery.

12 **B. Relevant Documents**

13 1. Loan applications, promissory notes, and supporting records evidencing the
14 subject student loan accounts for which Plaintiff is identified as a co-signer.

15 2. Correspondence between SMB, Plaintiff, and the primary borrower regarding the
16 student loan(s).

17 3. SMB's business records pertaining to the servicing of the subject loan accounts,
18 including but not limited to account notes, payment histories, and information furnished
19 to consumer reporting agencies.

20 Ongoing investigations may reveal additional documents or things SMB may use to
21 support its claim or defenses. SMB reserves the right to amend, supplement, or modify
22 this response as necessary pending completion of further investigation and discovery.

23 **C. Computation of Damages**

24 SMB does not currently claim any damages relative to this action. Defendant reserves the
25 right to seek its attorneys' fees and costs pursuant to F.R.C.P. 11 and/or 28 U.S.C. §1927 if it
26 is determined that this action was brought in bad faith and for the purpose of harassment. SMB
27 specifically notes, however, that by making no disclosure at this time, it does not waive the
28 right to seek attorney's fees and costs from Plaintiffs at a later time.

1 **D. Insurance Agreements**

2 SMB is not aware of any applicable insurance agreement.

3 DATED: January 17, 2024

HINSHAW & CULBERTSON LLP

4 By: /s/ Peter L. Isola
5 PETER L. ISOLA
6 IAN A. KING, II
7 Attorneys for Defendant
8 SALLIE MAE BANK

9 **FILER'S ATTESTATION**

10 I, PETER L. ISOLA, am the ECF user whose identification and password are
11 being used to file this ANSWER. In compliance with Local Rules, I hereby attest that
12 all party signatories hereto concur in this filing.

13 /s/ Peter L. Isola

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